



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
DECEMBER 17, 2002
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, John F. Cook, Daniel S. Power, Luis G. Sariñana, and Anthony Cobos. Late arrival: Larry M. Medina and Paul J. Escobar arrived at 9:15 a.m. Absent: None. Meeting was called to order at 9:05 a.m. and the invocation was given by Police and Fire Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

Mayor's Proclamation & Certificates:

1. Junior Achievement Proclamation
2. Holiday Lights at the Zoo Proclamation
3. The Bill of Rights Day Proclamation
4. J.O. and Marlene Stewart - Conquistador Award
5. Michelangelo Margheritas - Honorary Citizen Award

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.

(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

Representative Power was not present for the vote.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to accept, on behalf of the City of El Paso, the following gifts identified further in Exhibit A: (Exhibit on file with this Resolution in the City Clerk's Office).

1. One (1) painting by Luanne Stovall entitled *Soliloquy* offered by the artist.

	<u>Lien Amount</u>	<u>Interest</u>	<u>Total</u>
6257 Doniphan Drive	\$595.70	\$417.70	\$1,013.40

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien Amount</u>	<u>Interest</u>	<u>Total</u>
1001 McAfee Street	\$270.25	\$159.83	\$400.08

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City of El Paso, be authorized to sign the attached Release of Lien on the property (Legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this condemnation lien:

	<u>Lien Amount</u>	<u>Interest</u>	<u>Total</u>
4105 Payne Circle	\$1,149.00	\$220.23	\$1,369.23

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***R E S O L U T I O N**

WHEREAS, Cathedral High School ("Cathedral"), a non-profit corporation and an accredited primary and secondary school located in the City of El Paso (the "City"), has requested the issuance of a tax-exempt bond (the "Bond") by the Red River Education Finance Corporation (the "Corporation"), which is a non-profit corporation created by the City of Windthorst, Texas, to finance and refinance certain educational facilities in an amount not to exceed \$2,500,000 (the "Project") on the campus of Cathedral in the City; and

WHEREAS, Cathedral has informed the City that Section 147(f) of the Internal Revenue Code ["Section 147(f)"] will require the approval of the Bond and the Project by the Mayor of the City, being the chief elected officer of the City, with such approval being made after the holding of a public hearing in the City; and

WHEREAS, Cathedral has caused a notice of a public hearing to be published in the El Paso Times providing for the holding of a public hearing on December 23, 2002, to be held at the law offices of Ainsa Hutson, LLP relating to the issuance of the Bond.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS THAT:

Section 1. Subject to the submission to the Mayor of the minutes of the public hearing described above, the Mayor is hereby authorized to sign an approval form, attached as Exhibit "A", (Exhibit on file with this Resolution in the City Clerk's Office), approving the issuance of the Bond and the Project, but solely for the purpose of Section 147(f). It is further stipulated that the City shall have no liability for the payment of the Bond or the Project, nor shall any of the City's assets be pledged to the payment of the Bond.

Section 2. This resolution shall have immediate effect.

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an agreement between the CITY OF EL PASO and MOFFATT & NICHOL ENGINEERS to provide planning services in connection with the City's Regional Intermodal Rail Project.

Ms. Patricia D. Adatao, Director of Planning, Research and Development, explained that the Agreement provided for different tasks to include different preliminary concepts for intermodal, relocation of railyards, outloop of rail trackage, and added that City Departments were meeting with Ciudad Juarez to reposition the railyards in Juarez. She noted that "White Paper" would be prepared for submission to the U. S. Congress for funding, feasibility and authorization. She also noted the need for a Planning Consultant.

Representative Sumrall questioned what was incorporated in the costs and questioned from what budget the money would be deducted.

Ms. Adatao responded that the cost was the maximum amount as per the agreement and added that the firm would be paid hourly on work provided. She noted the funding sources as 50% Airport and 50% City funds.

Representative Sumrall questioned the qualifications and licensing requirements of the firm's engineers.

Ms. Adatao responded that the engineers were licensed and provided further information regarding job duties. She commented on a study performed by Kimley-Horn and noted that the Kimley-Horn study would be incorporated as part of the "White Paper" goal. She stated that to ensure El Paso remain competitive in receiving funding for the intermodal project, it was imperative that there be no delaying.

Representative Medina questioned the cost of the Kimley-Horn study and whether or not the Airport Board had approved the utilizing of Airport funds.

Ms. Adatao responded she was unsure of the exact figure; however, noted that the Kimley-Horn study focused only on intermodal opportunities with various locations. She noted that the study preferred the Airport as the most effective site and added that by utilizing "White Paper" the City would move forward on multi-projects. She expressed that City employees were not railroad experienced.

Mr. Patrick Abeln, Director of Aviation, stated that the Airport Board had discussed the matter.

Representative Medina questioned how Moffatt & Nichols had been selected.

Ms. Adatao noted that the matter was a Planning Service Agreement and did not require an RFQ. She remarked that the Departments of Municipal Services, Street, Engineering, Planning, Airport and Sun Metro had met and a committee was formed. She stated that the Committee had recommended the firm and requested Council's approval. She noted that the firm of Moffatt & Nichols is well versed and qualified to perform the requested services. She noted that Mr. Esposito of the Moffat & Nichols firm had assisted in authoring the T21 Bill. She noted that the study would define the purpose and need for the local projects, the program and design of said projects. She further noted that the firm would be holding briefings and added that firm of Moffat & Nichols had coordinated the Los Angeles railway.

Ms. Adatao responded to Representative Medina's comments regarding how often studies had been conducted; however, to no avail. She explained that by submitting the "White Paper" to the U. S. Congress under the T21 bill, the funding could be acquired and utilized to its fullest capacities. She commended on the success of the Alameda Corridor project with respect to the funding source and remarked that the City would require the firm's assistance regarding rail planning.

Mr. Charlie McNabb, Chief Administrative Officer, noted that this was more of an action plan rather than a study, comparable to a grant application.

Ms. Adatao provided a chronology regarding the submission and ultimate approval of the "White Paper" and noted that the T21 Bill was authored every six years.

Representative Power remarked that time was of the essence.

Ms. Adatao pointed out that an RFP or RFQ would be created for the program manager and stressed that the submittal of the "White Paper" and its subsequent outcome was of utmost importance.

Representative Cobos questioned whether local firms had been considered and commented that he would have preferred the A&E Selection Committee provide input.

Ms. Adatao responded that of the seven firms solicited, only one was local, namely Wilson Engineering. She then read the names of the seven engineering firms into the record and added that five firms had presented fee proposals with Moffat & Nichols' fee proposal being mid-range. She further noted that the recommendation of selecting Moffat & Nichols was made by City Departments, not by RFP or RFQ. She remarked that of the seven firms solicited, five responded and following the review of applications, it was determined that Moffat & Nichols was the best choice.

Mr. McNabb expressed that the City had selected the most qualified experts in this field with expertise in funding and studies presented before the U. S. Congress. He noted that there existed no such firm in El Paso with that level of expertise and added that Wilson Engineering was a national firm with a local office.

Representative Escobar remarked that due to the nature of the specialization, a national search was required.

Ms. Adatao reiterated that the firm of Moffat & Nichols was experienced in preparing "White Paper" for submission before the U. S. Congress and clarified that the intent of the City was to prepare an RFP or RFQ in the interim.

Mr. Byron Johnson, Director of Purchasing, clarified that the matter was not an engineering project; therefore, an engineering firm could not be utilized/selected. He explained that the Department Heads had prepared the scope and finite criteria, with one of the criteria was the presentation of "White Paper" before the Congress.

Mr. David Almonte, Director of OMB, explained the funding issues.

Mayor Raymond C. Caballero remarked that the City would submit the "White Paper" to our Congressman, following by submission to the Appropriations Committee for both the Senate and House.

Mr. Jorge Artalejo, citizen, suggested that the City hire a lobbyist.

Mayor Raymond C. Caballero responded that the City currently employed lobbyists and noted that the City sought individuals with specialized skills.

Motion made by Representative Sumrall, seconded by Representative Power and unanimously carried to approve the above Resolution.

Representative Medina was not present for the vote.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the action of the Mayor in signing and accepting a grant award for a Criminal Justice Projects Grant in the amount of \$25,800.00 from the Office of the Governor, Criminal Justice Division, for the purpose of conducting a conference and attending workshops on domestic violence and related issues be ratified; and that the Mayor be authorized to execute on behalf of the City of El Paso any other related necessary documents and grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, and any documents to request and accept an extension of the award ending date for the grant. In the event of loss or misuse of grant funds, the City of El Paso assures that the funds will be returned to Office of the Governor, CJD in full. No matching funds required.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Consolidated Plan 2000-2005, adopted by City Council on June 19, 2000, be amended to include the Section 108 Guaranteed Loan Program as a potential funding source for large-scale economic development and housing rehabilitation projects that are eligible under the Community Development Block Grant (CDBG) Program, but for which adequate funding is not available under the annual CDBG grant.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council hereby adopts a proposed application to the U.S. Department of Housing and Urban Development (HUD) for \$5,000,000 in Section 108 Guaranteed Loan funds; and

That the City Council directs that the proposed Section 108 Guaranteed Loan application be advertised in "The El Paso Times" on Sunday, December 22, 2002 in order to provide the public with an opportunity to review the Section 108 Guaranteed Loan application and submit comments to the City Council or the Department of Community and Human Development. The deadline for submission of written comments will be 5:00 p.m. on Tuesday, January 21, 2003. The City Council will hold a public hearing during the regularly scheduled City Council meeting of January 28, 2003 for the purpose of receiving comments on the Section 108 Guaranteed Loan application and approving the Section 108 Guaranteed Loan Program application for submission to HUD.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Construction Management Services between the City of El Paso and Karlsruher, Inc. dba CSA Consulting Engineers, for "Construction Management Services (Citywide)" for a one (1) year period for an amount not to exceed ONE MILLION and NO/100 DOLLARS (\$1,000,000.00).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Contracts between the **CITY OF EL PASO** and the following individuals to assist the Museum of Art as instructors for the Museum School at an hourly rate of 20.00. The term of the contract shall be for the period of January 2, 2003 through May 31, 2003.

1. **RON FRITSCH**, Acrylic Instructor, 4 hours per week.
2. **SHERRE PARKER**, Workshop Instructor, 12 hours per week.
3. **ANDREW GUGAN**, Art History/Art Appreciation Instructor, 6 hours per week.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and the following individuals to assist the Financial and Administrative Services Department. The term of the contract shall be for the period of January 6, 2003 through January 5, 2004.

1. **DYANEH ARREDONDO**, Econometrist, 40 hours per week, \$1,417.70 biweekly.
2. **HERB BRADSHAW**, Industry Development Advisor, 40 hours per week, \$2,012.62 biweekly.
3. **JEANNIE J. SCOTT**, Industry Development Advisor, 40 hours per week, \$2,012.62 biweekly.

Representative Sumrall questioned whether or not the positions were budgeted for, the job specifications regarding the "Econometrist", and when an Economic Development Director would be appointed.

Mr. David Almonte, Director of OMB, responded that the positions had been budgeted for and noted that the individuals would be considered "contract" employees.

Mr. Charlie McNabb, Chief Administrative Officer, explained that the Economic Development Department was currently under the direction of the Community Development Department and elaborated on the job specifications of an econometrist. He stated that the recruitment of an Economic Development Department had been reopened and that a number of applicants had been received. He noted that the City was in the process of performing an Assessment Center.

Representative Sumrall commented on Ms. Kristi Borden's job performance in the Economic Development Department and requested that Ms. Borden be selected as the new Economic Development Director.

Mr. McNabb remarked that Ms. Borden's title was Assistant Director of Economic Development.

Motion made by Representative Sumrall, seconded by Representative Power and unanimously carried to approve the above Resolution.

Representative Cobos was not present for the vote.

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***RESOLUTION**

WHEREAS, in February 2003, the United States Congress will commence the reauthorization of TEA-21, commonly known as the Transportation Equity Act for the 21st Century; and

WHEREAS, funding under TEA-21 for transportation projects will be a nationally competitive process with each community proposing various transportation initiatives for their region; and

WHEREAS, the Transportation Policy Board of the El Paso Metropolitan Planning Organization (MPO) has approved a request from U.S. Congressman Silvestre Reyes to develop a prioritized list of five (5) transportation projects from the region for funding consideration in the new Federal Transportation Reauthorization Bill; and

WHEREAS, the El Paso MPO is requesting that all participating agencies submit their respective project lists for evaluation and selection by the Transportation Policy Board on January 24, 2003; and

WHEREAS, specific criteria was enumerated by the El Paso MPO for submission of projects under a short and long-term list of priorities; and

WHEREAS, the City Transportation Committee (CTC) has evaluated its various transportation projects and has made recommendations for priority ranking of each for submission to the El Paso MPO; and

WHEREAS, a total of eleven projects (five short- and six long-term projects) have been identified by the CTC and were submitted for consideration by the Transportation Policy Board on the El Paso MPO deadline of December 13, 2002; and

WHEREAS, the CTC requests El Paso City Council ratification of the submission of these identified priority projects by the CTC to the El Paso MPO, and further requests adoption of the transportation projects and priorities identified; and

WHEREAS, these transportation projects are vital to the prosperity of the community, and further the policies expressed in the City's comprehensive plan;

NOW, THEREFORE, BE IT RESOLVED:

1. That the El Paso City Council does hereby ratify the submission of the following key transportation projects by the CTC to the El Paso MPO on December 13, 2002, and further supports and adopts these nominated projects of the CTC as the consensus transportation priorities of the City of El Paso as follows:

SHORT TERM

Priority 1: CBD Improvements Phase III.
Project Description: The project includes right of way, parkway, roadway, drainage, and traffic infrastructure improvements in the Downtown area on Franklin, Mesa, Mills, Oregon, Stanton and Santa Fe Streets. It also addresses location and space for potential rapid transit system infrastructure. There will be decorative concrete intersections for El Paso St.-Franklin Ave., Oregon St.-Franklin Ave., Stanton St.-Franklin Ave., and Stanton St.-Mills Ave.
Estimated Cost: \$3,000,000 (to complete City's portion of projected \$8,100,000 total)

Priority 2: Sun Metro Area Rapid Transit (SMART) Starter Line.
Project Description: The Sun Metro Area Rapid Transit (SMART) Starter Line is a high-capacity light rail system serving El Paso's congested downtown international corridor extending from the Stanton Street and Paso Del Norte bridges at the international border to the Oregon Street Transit and Pedestrian Mall. Eventually this starter system will be expandable to link downtown to the University of Texas at El Paso (UTEP), and to the Unified Regional Medical Campus to the east along Alameda.

The locally preferred option for technology is restored electric PCC cars already owned by the City. All aspects of system development will be pursued to allow adaptability in the short- and long-range to include electric buses using the same electric wires, vintage trolley cars, and/or modern light rail cars. Ridership estimates indicate 8,100 daily passengers. This results in the need for four vehicles providing five-minute headways (time between vehicles), amounting to total annual ridership of 2,956,500 between the border and downtown.

Estimated Cost: \$10,158,548

Priority 3: *I-10 to Doniphan Connection.*

Project Description: The City of El Paso is the only major metropolitan area in Texas that does not have a completed controlled access loop. When completed, Loop 375 along with the Domenici Highway in New Mexico and the Nuevo Casas Grandes Highway in Ciudad Juarez, Mexico, will form an International Beltway which will allow for complete ground transportation access throughout the entire tri-state, binational region. TxDOT has identified funding for the I-10 to Doniphan portion of this project but is short \$2,000,000.

The direct cost of the full loop project is estimated at \$127 million and will require coordination among the following agencies: DOT, FHWA, IBWC, and EPA. The improved mobility and efficiency of a greatly enhanced international transportation however will be the greatest benefit to the area. Other benefits include reduced congestion, improved mobility and air quality; improved safety by redirecting truck traffic around highly populated neighborhoods; strengthened Intermodal access and enhanced regional economic opportunities.

Estimated Cost: \$2,000,000

Priority 4: *Great Streets.*

Project Description: El Paso has some great streets. Some once great streets have deteriorated and are in need of revitalization like portions of Dyer, Alameda, and the North Loop. Some these great streets reflect newer development and offer opportunities for infill, high density, mixed-use development like Mesa and Montana. All can benefit from improved transit and pedestrian access.

Great Streets improvements enhance the corridors they serve by encouraging mixed-use higher density development, infill instead of sprawl, well-lighted, safe pedestrian access, and way finding. Curb-to-property line enhancements include shelters, improved sidewalks, streetscape, landscape, lighting and way finding. Curb-to-curb enhancements include special turn provisions, bus pullouts, re-striping for diamond lanes, and other transit treatments.

Estimated Cost: \$10,000,000

Priority 5: *Regional Intermodal Rail Project (feasibility study).*

Project Description: Perform preliminary engineering and analysis to relocate rail lines and yards outside of downtown. Relocating rail facilities and providing the infrastructure to an intermodal hub facility reduces this region's dependence on roadway transportation and exponentially improves safety. Rail traffic through the City has doubled in the last year and is expected to grow. Relocating rail facilities will mitigate the negative environmental impacts and provide safe residential neighborhoods by eliminating at-grade railroad crossings that are common in the central part of the City. Also, connections to an international hub will result in a seamless transfer of cargo in a facility which is master planned to provide the necessary infrastructure to support the just-in-time inventory requirements.

Estimated Cost: \$1,000,000

Long Term

- Priority 1: Construction of the Ysleta/Zaragoza Dedicated Transit and/or Commuter Lane.**
Project Description: The Ysleta DCL would be incorporated into the existing passenger vehicle bridge, requiring minimal infrastructure changes required. In the U.S., bridge infrastructure changes would require converting the 4-lane bridge to 5 lanes, moving a small strip of concrete median, placing lane separators along the DCL, and placing the appropriate signage on the bridge. SENTRI technology would also have to be procured and installed in two existing booths.
Estimated Cost: \$2,000,000
- Priority 2: Joint TX/NM Study and Engineering of the Northeast Parkway from Loop 375 to the New Mexico State Line.**
Project Description: This project provides for engineering for the construction of a new location freeway. This facility will serve El Paso and Southern Dona Ana County, New Mexico as a truck bypass around the Northeast section of the City. Several bridge separations/interchanges are anticipated. The project has Long Range Program status in the National Highway System -Metro Mobility Program (Cat 3A).
Estimated Cost: \$5,000,000
- Priority 3: Engineering/Feasibility Study for Loop 375 (Border Highway) from Park Street to US 85 (Paisano Drive).**
Project Description: This work furthers the construction of a new freeway connection downtown. This east extension of the Border Highway will complete one of the final sections of the loop around the City of El Paso. This proposed project has a Priority 2 status in the Border Trade Transportation Program (Cat 13C). The study will help resolve issues as to location and design of this facility.
Estimated Cost: \$2,000,000
- Priority 4: Construction of Frontage Roads along 1-10 from Desert Blvd. South to Cotton Street, and from Cotton Street to Desert Blvd. North.**
Project Description: Construction of Frontage Roads along 1-10 From Desert Blvd. South to Cotton St., and from Cotton St. to Desert Blvd. North. No frontage roads exist in the northwest area of the city which is also the area bordering New Mexico. As a corollary to the lack of a completed access loop in the City, only three roadways connect this portion of the City to the international ports-of-entry and the air cargo facilities at the El Paso International Airport. One of these connectors is 1-10. Any incident on the interstate immediately cuts off the circulation between this area of the City, the Santa Teresa Port-of-Entry in New Mexico, the growing industrial parks in the northwest portion and the rest of the commercial facilities in the border region. The northwest area of the City has experienced significant growth in population, housing units and industrial and commercial acreage. Past growth patterns in the City have been in an easterly direction, however, land masses to support continued commercial and industrial growth are now only available in the northwest part of the City.
Estimated Cost: \$60,000,000
- Priority 5: SH 20, Alameda Avenue from Boone Street to Concepcion Street, and from Concepcion Street to US 62, Paisano Drive.**
Project Description: These are Phases III and IV from the multiple construction phases of Alameda Avenue. This work provides for the reconstruction of the roadway. These Phases together are approximately 1.1 miles in length. The limits of this proposed project have Long Range Program status in the National Highway System -Metro Mobility Program (Cat 3A)
Estimated Cost: \$20,000,000

Priority 6: CBD Infrastructure Improvements Phase IV.

Project Description: This phase of the CBD infrastructure improvements will complete the final section part of Downtown, preparing it to serve as the vital heart of the City for many years to come. The project includes right of way, parkway, roadway, drainage, and traffic infrastructure improvements in the Downtown area on surrounding the government district around San Antonio and Campbell Streets.

Estimated Cost: \$15,000,000

2. That the El Paso City Council hereby authorizes the Mayor to sign any and all related documents that may be required for submission of the prioritized transportation projects to the El Paso MPO and the U.S. Congress.

3. That the El Paso City Council hereby authorizes the Director of Planning, or any designated representative of the City Transportation Committee, to present such transportation priority projects for consideration by the Transportation Policy Board of the El Paso MPO and the U.S. Congress as may be necessary.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with PROJECT ARRIBA to lease the company One (1) 32 Gallon Container for a service fee of \$5.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

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*Motion made, seconded and unanimously carried to delete the first property as listed on the agenda on the Resolution placing a lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Chapter 9.04 (Solid Waste Management of El Paso Municipal Code)

4455 Shadow Willow \$ 561.82 UPPER VALLEY WILLOW, INC. C/O JOE HANSEN

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***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, ELVIRA D. VALENZUELA of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determined the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

349 Maricela Drive, City of El Paso, El Paso County, Texas, being more particularly described as Lot 13 EXC S 2 FT, Block 26, Thomas Manor #10 Subdivision, Parcel T240-999-026A-2500,

to be NINETY AND 93/100 DOLLARS (\$90.93) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Thirtieth day of January, 2002 approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of NINETY AND 93/100 DOLLARS (\$90.93) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, DERRICK & SCHAEFFER, INC. of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determined the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

400 Block of San Blas Drive, City of El Paso, El Paso County, Texas, being more particularly described as Lot 40 (38700 SQ FT), Block 6, Sandcastle Subdivision, Parcel S102-999-0060-9700

to be FIVE HUNDRED TWENTY AND 68/100 DOLLARS (\$520.68) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Twenty First day of May, 2001 and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of FIVE HUNDRED TWENTY AND 68/100 DOLLARS to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

NOTE: This Resolution placing a lien on the 400 Block of San Saba Drive was rescinded on January 14, 2003 due to wrong property address posted on the agenda. The correct Resolution placing a lien on the 400 Block of San Blas was approved on January 14, 2003, Item 3B.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, REYNOLDS, YVETTE & 2 c/o YVETTE REYNOLDS of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determined the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

5620 Ranchito Avenue, City of El Paso, El Paso County, Texas being
more particularly described as Lot 40, Los Ranchitos Subdivision, Parcel
L789-999-0000-4000

to be TWO HUNDRED FORTY ONE 40/100 DOLLARS (\$241.40) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Thirtieth day of April, 2001 and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of TWO HUNDRED FORTY ONE 40/100 DOLLARS to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, LAWRENCE E & G JEDDERY of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determined the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

113 Chip Chip Lane, City of El Paso, El Paso County, Texas being more particularly described as TR 13-C-2-A (0.09 ACRE) & TR 13-C-8 (0.11) ACRE), Block 27, Ysleta Subdivision, Parcel Y805-999-0270-1347,

to be TWO HUNDRED FORTY EIGHT AND 98/100 DOLLARS (\$248.98) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Thirty First day of July, 2002 approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of TWO HUNDRED FORTY EIGHT AND 98/100 DOLLARS (\$248.98) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

*RESOLUTION

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, SAMUEL PEDREGON, REBECCA VEGA, & CONNIE GONZALEZ, of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determined the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

1112 E. San Antonio Avenue, City of El Paso, El Paso County, Texas, being more particularly described as Lot E 15 FT of 23, & W 18.5 FT of 24 (3015 SQ FT), Block 80, Magoffin Subdivision, Parcel M028-999-0800-6700,

to be SEVENTY FOUR AND 15/100 (\$74.15) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Eighth day of April, 2002 approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of SEVENTY FOUR AND 15/100 DOLLARS (\$74.15) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an agreement between the City of El Paso and the Wells Fargo Sun Bowl Association relating to traffic control and actions associated with the El Paso Wells Fargo Sun Bowl on Tuesday, December 31, 2002 in the Sun Bowl Stadium.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Developer Participation Agreement by and between the City of El Paso and Carlos Figueroa (the Developer) requiring the Developer to provide all funding for the construction of offset angle parking spaces on the City's right-of-way; and that the City Engineer is hereby authorized and directed to designate fourteen (14) offset angle parking spaces on Stanton Street (Access Road) east side only, from a point approximately fifty-eight (58) feet north of Mississippi Avenue to a point approximately one hundred sixty-four (164) feet north thereof, which will be constructed by the Developer pursuant to this Developer Participation Agreement.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Developer Participation Agreement by and between the City of El Paso and Carlos Figueroa (the Developer) requiring the Developer to provide all funding for the construction of offset angle parking spaces on the City's right-of-way; and that the City Engineer is hereby authorized and directed to designate two (2) offset angle parking spaces on Grama Street west side only, from a point approximately one hundred twenty-two (122) feet north of Durazno Avenue to the alley north thereof, which will be constructed by the Developer pursuant to this Developer Participation Agreement.

.....
*Motion made, seconded and unanimously carried to re-appoint Susannah Dickman to the El Paso Community Mental Health and Mental Retardation Center Board by City Council.

.....
*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Ranchos Del Sol Unit Eight
Owner/Developer: RDS 8 Preview L.P.
Consultant: Roe Engineering

Street Improvements:

Whirlaway Drive - from the south property line of Double Jay Drive to the northeast property line between Lots 10 & 11, Block 27

Coral Gate Drive - from the northeast property line between Lots 10 & 11, Block 27 to the end of the cul-de-sac

Crystal Gate Drive - from the east property line Whirlaway Drive to the end of the cul-de-sac

Marble Gate Drive - from the west property line of Coral Gate Drive to the end of the cul-de-sac

Eagle Heart Drive - from the west property line of Coral Gate Drive to the northeast subdivision boundary line

Double Jay Drive - from the northwest subdivision boundary line to the southwest subdivision boundary line

Ted Houghton Drive - from a point 20 ft. east property line of Lot 16, Block 27 to the east subdivision boundary line

Drainage Improvements:

20 ft. wide P.S.B. Easement and Drainage R.O.W. - between Lots 10 & 11, Block 27; 144 ft. x 12.5 ft. Concrete Flume; 144 ft. x 6 ft. high rockwall on both sides of the Drainage R.O.W; 2-6 ft. high wrought iron gates

15 ft. wide Drainage and Pedestrian R.O.W.-between Lots 17 & 18, Block 27; 145 ft. x 10.5 ft. Concrete Flume; 144 ft. x 6 ft. high rockwall on both sides of the Drainage R.O.W; 4-6 ft. high wrought iron gates; and 145 ft. x 6 ft. high wrought iron fence

.....
*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Ridge View Estates Unit Sixteen, Phase I

Owner/Developer: LARKIN Developers, I. LTD.

Consultant: MCI Engineering

Street Improvements:

Dakota Ridge Drive - from the east property line of Redd Road to the east subdivision boundary line

Kokopelli Way - from the north property line of Dakota Ridge Drive to the end of the cul-de-sac

Redd Road - from the south subdivision boundary line to a point 22ft. north of the south property line of Lot 2, Block 42

Drainage Improvements:

20 ft. Drainage R.O.W. - between Lots 26, 27 and 28, Block 42; 105 ft. x 6 ft. high rockwall on both sides of the Drainage R.O.W.; and 6 ft. wrought iron vehicular gate

62 ft. Drainage R.O.W. - between the south property line of Lots 22 and 23 and north property line of Lots 28, 29 and 30, Block 42; 104.53 ft. of 18" R.C.P.; 1-48" manhole; 1-2 Grate Drop Inlet; 164.85 ft. x 6 ft. high northside rockwall; and 127.64 ft. x 6 ft. high southside rockwall

Dakota Ridge Drive - 110 ft. of 48" R.C.P.; 1025.28 ft. of 36" R.C.P.; 18 ft. of 24" R.C.P.; 18ft. of 18" R.C.P.; 3-72" Manholes; and 1-2 Grate Drop Inlet; and 1-3 Grate Drop Inlet Type I

Kokopelli Way - 128.94 ft. of 24" R.C.P.

Redd Road - 131 ft. of 36" R.C.P.; and 1-72" Manhole

.....
*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Wells Fargo Real Estate Tax Services, LLC, in the amount of \$2,077.47; overpayment of 2001 taxes. (PID #I256-999-0350-4000)
- B. Wells Fargo Real Estate Tax Services, LLC, in the amount of \$4,560.81, overpayment of 2001 taxes. (PID #R577-999-0060-0600)
- C. Wells Fargo Real Estate Tax Services, LLC, in the amount of \$9,556.33; overpayment of 2001 taxes. (PID #R701-999-0030-2900)
- D. Victor Medrano, in the amount of \$1,198.39; overpayment of 2000 taxes. (PID #S537-000-0010-0400)
- E. Wells Fargo Real Estate Tax Services, LLC, in the amount of \$1,739.41; overpayment of 2001 taxes. (PID # V897-999-0760-4100)
- F. Lawyers Title, in the amount of \$4,488.87; overpayment of 2002 taxes. (PID # X579-000-2260-2072)

.....
*Motion made, seconded and unanimously carried to approve that the Director of Purchasing issue Purchase Orders to Texas Commission on Environmental Quality (TCEQ) for state landfill permit fees for City landfills. These fees are set by the TCEQ and payments are made quarterly by the City. Estimated permit fees for FY2003 are \$264,000.00 for the Clint Landfill and \$168,000.00 for the McCombs Landfill.

Award amount: \$432,000.00 (Estimated annually)
Funds available: 34010298-40403-504414 and 34010296-40403-504414
for FY2003 (for future years, fund numbers may change)
Department: Solid Waste Management

.....
Motion made, seconded and unanimously carried to move into executive session and to the regular agenda RFP No. 2003-009R Deferred Compensation Administrator.

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to postpone until the City Council Meeting of Monday, December 23, 2002, RFP No. 2003-009R Deferred Compensation Administrator

Award to: ING Financials Advisors
Fairfax, VA
Item (s): All
Amount: N/A

Department: Office of Management and Budget
Funds available: N/A
Funding source: Employee Voluntary Contributions Only
Total award: N/A

The OMB Legislative Review Committee based on evaluation factors established for this RFP recommend award to ING Financials Advisors, LLC.

This is a three (3) year contract with the option to extend the contract for two additional one-year periods.
REGULAR COUNCIL MEETING – DECEMBER 17, 2002

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review any related contract documents and agreements necessary.

The final contract will be placed on the City Council agenda, at a future date for City Council final approval and authorization to execute contract agreements, the Mayor to execute and to proceed.

Mr. Rafael Gardon, City employee and participant in the Deferred Compensation Plan, expressed his concerns as to the lack of notification to City employees regarding changing the deferred compensation administrators. He questioned the outcome of the investments in the event ING was awarded the RFP and questioned why the need to change administrators.

Representative Medina agreed with Mr. Gardon's comments regarding the necessity of public input and requested that the item may be rebid.

Representative Sumrall agreed that the City employees participating in the deferred compensation plan had not been given the opportunity to provide comments.

Mayor Raymond C. Caballero remarked that a committee had reviewed the RFP; however, it would be advantageous to allow for participant comments.

Mr. Gardon provided copies of a petition signed by 193 City employees and handed the petition to Ms. Diana Nuñez, Deputy City Clerk, for distribution to Council Members and commented on said documents. He also requested that the information regarding the RFP is made public and that public hearings be scheduled to allow for participant input.

Representative Power expressed that the Council Members were concerned as well and requested that all bids be rejected and subsequently rebid.

Mr. Presi Ortega, ING representative, made remarks comparing ING and Nationwide and noted that delaying the award of the RFP may pose harm to participants. He noted that Nationwide had maintained the Deferred Compensation plan for the City employees 22 years. He protested rebidding the RFP as he felt that Nationwide would utilize their ideas.

Mr. Steve Tool and Mr. Steve Hourigan, Nationwide representatives, noted that of the 30 years the company has been in business, 22 of those were in association with the City of El Paso. Mr. Tool commented on the negative effects current participants would experience in the event ING would be awarded the RFP. Mr. Hourigan explained that Nationwide had conducted over 155 workshops presented to City employees, in addition to one on one consultation.

Representative Escobar explained that he had called the local Nationwide office number for assistance; however, was subsequently referred to the 800 number.

Mr. Hourigan apologized to Representative Escobar and noted that another alternative would be the Nationwide website for additional assistance.

Mayor Raymond C. Caballero noted that Nationwide had received many compliments, in addition to complaints.

Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to reject all bids.

Ms. Lisa Turner, citizen, stated that she handled all her own financial matters and questioned whom the City employees' representative was. She suggested opening bids from different sources and/or rebid the RFP.

Mayor Raymond C. Caballero responded that it would not be prudent to not continue the process, as mistakes could not be rectified.

Representative Medina remarked that rebidding the RFP would be detrimental and suggested allowing City employees to make a choice between the two companies.

Mayor Raymond C. Caballero questioned City Attorney Rita Rodriguez whether or not allowing City employees the opportunity to choose was a viable option.

Ms. Rita Rodriguez, City Attorney, suggested postponing the matter for one week.

Mr. Byron Johnson, Director of Purchasing, expressed that the Purchasing Department was not opposed to postponing the matter one week; however, the current RFP language had addressed allowing for City employee input.

Mr. Charlie McNabb, Chief Administrative Officer, stated that a legal opinion would be required and concurred with Ms. Rodriguez postponing the matter one week.

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*Motion made, seconded and unanimously carried to approve budget transfer BT2003-230 AIRPORT Transfer of funds to acquire a model TS24 CORGHI Truck tire dunker for leak inspection.

Increase	\$3,000	to	62620020/P50000441022/508008	Equipment
Increase	\$3,000	to	62620020/P50000441022/407001	Intrafd Trf In
Increase	\$3,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$3,000	to	62620018/P50000241021/507001	Intrfd Trf Out

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2003-247 AIRPORT Establish needed appropriation for Phase I proposal for El Paso/Juarez Rail project.

Increase	\$87,892	to	31110103/P50101326014/407020	Bond Proceeds
Increase	\$87,892	to	31110103/P50101326014/507001	Intrafund Transfer
Increase	\$87,892	to	31110103/PPW032126066/407001	Intrafund Transfer
Increase	\$87,892	to	31110103/PPW032126066/508028	Project Consulting
Increase	\$87,892	to	62620021/PPW032141066/407001	Intrafund Transfer
Increase	\$87,892	to	62620021/PPW032141066/508028	Project Consulting
Increase	\$87,892	to	62620018/P50000241021/407002	Est Revenue
Increase	\$87,892	to	62620018/P50000241021/507001	Intrafund Transfer

.....
Motion made, seconded and unanimously carried to move into executive session the following:

Motion made by Representative Sariñana, seconded by Representative Power and carried to postpone until the City Council Meeting of Monday, December 23, 2002 an Ordinance granting to Southern Union Company, a Delaware Corporation, permission and authority to assign and transfer to ONEOK, Inc., an Oklahoma Corporation, its rights and obligations under Ordinance No. 014360, as amended by Ordinance No. 014496, which grants certain non-exclusive powers, licenses, rights-of-way, privileges and franchise to construct, operate and maintain in the City of El Paso, Texas, a natural gas distribution system.

AYES: Representative Sumrall, Rodriguez, Medina, Power, Escobar and Sariñana
NAYS: Representatives Cook and Cobos.

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ORDINANCE 15314

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING EL PASO GOLDEN GLOVES ASSOCIATION TO USE THE CAROLINA RECREATION CENTER FROM FRIDAY, FEBRUARY 7, 2003 THROUGH SUNDAY, FEBRUARY 9, 2003**

Representative Sariñana moved to approve; however, questioned whether or not discretionary funds might be utilized to pay the \$1,000.00 fee.

Mr. Ray Cox, Director of Parks and Recreation, responded yes but would require a separate motion.

Ms. Rita Rodriguez, City Attorney, noted that the request to utilize discretionary funds must be placed on the City Council Agenda.

Representative Sumrall remarked that her father-in-law was a golden gloves champion and stated she would like to utilize her discretionary funds to assist in paying the \$1,000.00 fee.

There being no further public comment, the vote was taken.

Motion duly made by Representative Sariñana, seconded by Representative Sumrall, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos

NAYS: None Absent: None Not Present: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted. Representative Escobar was not present for the vote.

ORDER

WHEREAS, after providing due notice to the Owners of the hereinafter described property, the City Council of the City of El Paso conducted a Public Hearing on February 19th, 2002, regarding the property located at 148-150 N. Brown Street, more particularly described as:

Lots: S 75 Ft. of 1 to 3 & 75 Ft. of W 15 Ft. of 4, Block 32, Franklin Heights

and found that the Building located on said property is substandard; unfit for habitation or use, and a hazard to public health, safety and welfare; and that the Building is not in substantial compliance with the Municipal Ordinances, and that the Building can be repaired; and

WHEREAS, having found that the Building is not in substantial compliance with the Municipal Ordinances, the City Council ORDERED the Owners of said property to secure the Building and secure the premises with a 6' chain link fence and remove all weeds, trash and debris, within 30 days of adoption of the Resolution dated February 10th, 2002, that is on or before March 16th, 2002.

WHEREAS, the City Council ORDERED the Owners of said property to appear before City Council on December 17th, 2002, for a Public Hearing to determine whether the Council Order has been complied with and to determine penalties if the Council Order has not been complied with:

WHEREAS, no one appeared.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council, having heard the evidence, makes the following findings:
 - a. That the Owner of said property, Carlos Escobedo, was notified of the requirements of Section 18.52.040 and of his need to comply with these requirements as they relate to his property; and
 - b. That after notification, the Owner committed an act in violation of Section 18.52.040 or failed to take an action necessary for compliance with 18.52.040, specifically; the Owner failed to secure the Building, fence the property, and clean the premises of all weeds, trash and debris within 30 days after February 19th, 2002 that is, on or before March 19th, 2002; and
 - c. That the Owner has failed to comply with the Order each day from June 6th, 2002 through December 17th, 2002, a total of 194 days; and
 - d. That the property which is subject to the Order is not the Owner's homestead; and
 - e. That the City Council can assess a civil penalty against the Owner in an amount not to exceed \$1,000.00 a day for each violation, a total of \$194,000.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the Owner is hereby assessed the following civil penalties: \$50 a day for each of the 194 days during which the City Council Order of February 19th, 2002 was not complied with; for a total of \$9,700.
2. That the City Clerk file a certified copy of this Order with the District Clerk of the County of El Paso; and
3. That the Owner is hereby placed on notice that continuing failure to comply with the City Council's Order to secure the Building and clean the premises of all weeds, trash, and debris may result in additional and more severe penalties.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the Department's recommendations.

Representative Cobos thanked Mr. Maguire for his diligent work on the property and noted that Mr. Escobedo was a City employee.

Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried to approve the above Order. Representative Escobar was not present for the vote.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to reconsider the Public hearing to determine if the Council Order of February 19, 2002, for the property located at 148-150 N. Brown Street, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with. The owner of this property, Carlos Escobedo, 10540 Kendall Street, El Paso, Texas 79924, has been notified of the violations at this property. Representative Sumrall was not present for the vote.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the above Order. Representative Sumrall was not present for the vote.

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*Motion made, seconded and unanimously carried to delete the public hearing to determine if the Council Resolution of October 24, 2002, for the property located at 4606 Alameda Avenue, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with. The owners of this property, Jose Ponce Villanueva and Rosa Angelica Garcia, 4681 Shifting Sand Dr., El Paso, Texas 79930, have been notified of the violations at this property.

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*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 4606 Alameda Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, Jose Ponce Villanueva and Rosa Angelica Garcia, 4681 Shifting Sand Dr., El Paso, Texas 79930, have been notified of the violations at this property.

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Motion made by Representative Cook, seconded by Representative Medina and unanimously carried to reject all bids submitted for Bid No. 2002-212 Compactors for Solid Waste Transfer Station for the Department of Solid Waste Management. The Purchasing Department and the Department of Solid Waste Management recommend re-bidding since all bids received did not fully comply with the City's terms and conditions and/or bidder(s) were deemed non-responsive. This item will re-bid as requested by the Solid Waste Management Department.

Representative Escobar questioned whether or not old TNRCC deadlines or mandates were currently in place.

Mr. Byron Johnson, Director of Purchasing, responded to Representative Escobar's question and added that the compactors had outlasted their useful life.

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Motion made by Representative Escobar, seconded by Representative Sumrall and unanimously carried to approve the recommendation by the Bond Overview Advisory Committee that the design of the Reptile House be moved forward, and if feasible, that the construction bid be combined with the Zoo Support Facilities, provided it does not delay or impede construction of the Zoo Support Facilities.

Representative Medina questioned how will this would affect the moving around of projects, whole 10 year spectrum and if this would cost additional money.

Ms. Teresa Quezada, Assistant Director for Municipal Services, explained that the design of the Reptile House move forward had been scheduled between years 2003 and 2006 and that the impact would be minimal in both time and money.

Representative Medina commented on the elephant exhibit.

Dr. William Torgerson, Zoo Director, responded that there were no plans to expand the elephant exhibit; however, noted that \$33.5 million had been allocated to expand the zoo in its entirety. He noted that the current elephant exhibit was approximately five or six years old.

Representative Medina requested that Dr. Torgerson provide him information regarding the zoo project.

Ms. Quezada noted that the Bond Overview Advisory Committee (BOAC) and the Zoo did not want to delay any projects currently in the works.

Representative Escobar remarked that Council Members had promised not to rearrange the order of the bond projects and requested that only in the event of emergency or financial reasoning, the order of bond projects not be rearranged. He cautioned everyone that careful consideration is made prior to rearranging the order of bond projects.

Representative Power responded that the taxpayers would appreciate Council endorsing the saving of monies.

Ms. Quezada responded that City staff members were continuously looking for ways to save money.

.....
Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **DEPUTY CHIEF ADMINISTRATIVE OFFICER**.
- B. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to create the Class of **PROGRAM SPECIALIST**.
- C. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **RECYCLING MANAGER**.
- D. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso Municipal Code, to include an additional section identifying the speed limit as thirty-five miles per hour, on Nolan Richardson Drive. The penalty as provided in Section 12.84.010 of the El Paso Municipal Code.

PUBLIC HEARING WILL BE HELD ON THURSDAY, JANUARY 2, 2003 FOR ITEMS A - D

- E. An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, Chapter 20.02 (General Provisions and Definitions), Article II. (Definitions), by amending Sections 20.02.02.408 (Kennel) to delete the number of animals permitted on a premises. The penalty being as provided in Section 20.68.010 of the Code.
- F. An Ordinance amending Ordinance No. 14996 (which created Tax Increment Financing District Number Two (No. 2)) and Ordinance No. 15302 (which amended the composition of the Board of Directors and the taxes to be included in the Tax Increment Fund), by amending Section 13 concerning the termination date and Section 10.3 to limit the powers of City Council to exercise powers of eminent domain of property located within the TIF District, and providing a severability clause.
- G. An Ordinance amending Ordinance No. 14999 (which created Tax Increment Financing District Number Three (No. 3)) and Ordinance No. 15303 (which amended the composition of the Board of Directors and the taxes to be included in the Tax Increment Fund), by amending Section 13 concerning the termination date and Section 10.3 to limit the powers of City Council to exercise powers of eminent domain of property located within the TIF District, and providing a severability clause.
- H. An Ordinance amending Ordinance No. 14999 (which created Tax Increment Financing District Number Three (No. 3)), by amending Section 6 regarding the determination of Tax Increment Finance District No. 3, City Of El Paso, Texas and Creation of the boundaries, and providing a severability clause.

PUBLIC HEARING WILL BE HELD ON JANUARY 7, 2003 FOR ITEMS E – H

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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ADDITION TO THE AGENDA

No action was taken regarding NAFTA resources for displaced workers. [Guillermo Glenn]

Mr. Guillermo Glenn, citizen, explained that on December 17, 1992, NAFTA was signed by then President George Bush and Mexican President Carlos Salinas de Gortari. He noted that since that time, 30,000 garment and other industrial type employees, had lost not only their jobs but also health benefits. He stated that approximately one year ago Vanity Fair employees had come before Council Members to request their assistance in providing a Bilingual Job Corp Center so that individuals might learn the English language, receive their GED degrees and/or receive assistance as needed. He asked that not only training be provided to these displaced workers but that the City renegotiate an economic recovery package and noted that the City should tap into the Small Business Administration and all other applicable entities. He also requested that the City Council take action on forming a Task Force to investigate what can be done for displaced workers.

Representative Power responded that the City of El Paso was working with the Upper Rio Grande Workforce and other entities to establish an "Enterprise Group". He noted that the Enterprise Group would initiate cooperation and communication with other entities to gain access to funding, education and the services that would better the lives of the displaced workers. He stated that the Greater El Paso Chamber of Commerce was petitioning the Bush administration for funding for a pilot program for education and work force development. He stated that the ideas of Mr. Glenn had not fallen on deaf ears; however, City government had not moved forward on these issues regarding displaced workers. He requested that arties communicate and work together.

Mr. Glenn stated that discrimination was prevalent regarding Mexican American persons and discussed an event of discrimination that he was aware of. He requested that something be done regarding discrimination against Mexican American men and women, forcing the people into welfare instead of providing opportunities so that the individuals might be productive.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a La Placita Lease Agreement between the City of El Paso and The El Paso Chile Co. to lease space AW #102 within La Placita Shopping Mall

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign, on behalf of the El Paso Museum of Art, the Grant Acknowledgment Form with the Robert R. McCormick Tribune Foundation for a grant in the amount of \$8,400.00 to fund a portion of the Neighborhood Kids and Imagination Unleashed Programs.

No City funds are required to match this grant.

.....

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso Museum of Art be authorized to accept a check for \$4,500 from the Target Corporation Family of Giving Programs to be used for education programs including:

Family Day, Neighborhood Kids and Teacher Newsletter.

***R E S O L U T I O N**

WHEREAS, the City of El Paso owns and operates the El Paso Zoo; and

WHEREAS, the Zoo's mission is to provide a recreational and educational setting for children of the regional community; and

WHEREAS, the El Paso Zoo is planned on a concept of representing various regions throughout the world; and

WHEREAS, the Children's Cultural Center and the El Paso Zoological Society are support organizations promoting cultural education and experiences for children and the El Paso Zoo; respectively; and

WHEREAS, Picture Book Productions with Allan Jay Friedman has developed and presents a theater performance Pinocchio and Mounette, directed by Amick Byram, for children and families; and

WHEREAS, the El Paso Zoo is promoting activities and opportunities for children and families of the region for the holiday season;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City of El Paso, the El Paso Zoo, the El Paso Zoological Society, the Children's Cultural Center, Picture Book Productions and the associated volunteer and support members throughout the area hereby set aside the month of December, 2002, and related resources to present various displays, workshops, artwork, performances and events on the El Paso Zoo grounds for school groups, families and visitors for cultural education, enrichment and entertainment and that these events will be open on designated days and nights throughout the month including special performances and presentations for sponsors and the public to present Holiday Lights, the Children's World Village, and Pinocchio and Mounette performances.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, having found in accordance with Section 13.32.040 of the El Paso Municipal Code that (1) the late filing was not due to a lack of diligence on the part of the applicant; and (2) the short notice does not unreasonably prejudice the City in preparing for the parade or temporary event, has approved the following parade permit, and that such approval is hereby ratified:

Juana Correa for a block party in the alley intersecting the 3400 block of Louisville Avenue between Copia and Byron Streets on Saturday, December 14, 2002, from 8:00 a.m. until 11:59 p.m.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, having found in accordance with Section 13.32.040 of the El Paso Municipal Code that (1) the late filing was not due to a lack of diligence on the part of the applicant; and (2) the short notice does not unreasonably prejudice the City in preparing for the parade or temporary event, has approved the following parade permit, and that such approval is hereby ratified:

Gloria Tarango for a block party in the 4500 block of Vulcan Avenue between Gateway North and Clio on Monday, December 16, 2002, from 6:00 p.m. until 10:00 p.m.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Per the Texas Public Funds Investment Act (Chapter 2256 of the Government Code), the City of El Paso hereby adopts a written investment policy revised for the latest changes in state and local laws.

*Motion made, seconded and unanimously carried to award RFP No. 2003-027R City Depository Contract

Award to: J.P. Morgan / Chase Bank
El Paso, Texas
Item (s): All
Amount: \$159,504.00 (estimated annually)

Department: Comptrollers
Funds available: N/A
Funding source: N/A
Total award: \$159,504.00

The Review Committee based on evaluation factors established for this RFP recommend award to J.P. Morgan/Chase Bank. See attached for explanation.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review, and the Mayor be authorized to execute any related contract documents and agreements necessary during the contract.

This is a twenty-four (24) month contract.

Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:40 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Discussion and action on the following:

- A. Attorney consultation regarding Open Meetings Act and Public Information Act. (551.071)
- B. Discussion and Action regarding Zoning Board of Adjustment ("ZBA") decision on property located at 4992 Wild Sands Court. (551.071)
- C. RFP No.: 2003-009R Deferred Compensation Administrator
Award to: ING Financials Advisors (551.071)
- D. An Ordinance granting to Southern Union Company, a Delaware Corporation, permission and authority to assign and transfer to ONEOK, Inc., an Oklahoma Corporation, its rights and obligations under Ordinance No. 014360, as amended by Ordinance No. 014496, which grants certain non-exclusive powers, licenses, rights-of-way, privileges and franchise to construct, operate and maintain in the City of El Paso, Texas, a natural gas distribution system. (551.071)

Motion made Representative Rodriguez, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session at 11:20 a.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

No action was taken on Attorney consultation regarding Open Meetings Act and Public Information Act.

Motion was made by Representative Medina, seconded by Representative Power and carried to approve the motion below:

That the City Attorney be **AUTHORIZED TO FILE A LAWSUIT AGAINST THE ZBA** in the case entitled **The City of El Paso vs. Zoning Board of Adjustment; Our File No. 02-P-07**, as recommended by the City Attorney.

AYES: Representatives Rodriguez, Medina and Power

NAYS: Representatives Sumrall, Cook, Escobar, Sariñana and Cobos

The motion **FAILED**.

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to postpone until the City Council Meeting of Monday, December 23, 2002, RFP No. 2003-009R Deferred Compensation Administrator.

Motion made by Representative Sariñana, seconded by Representative Power and carried to postpone until the City Council Meeting of Monday, December 23, 2002 an Ordinance granting to Southern Union Company, a Delaware Corporation, permission and authority to assign and transfer to ONEOK, Inc., an Oklahoma Corporation, its rights and obligations under Ordinance No. 014360, as amended by Ordinance No. 014496, which grants certain non-exclusive powers, licenses, rights-of-way, privileges and franchise to construct, operate and maintain in the City of El Paso, Texas, a natural gas distribution system.

AYES: Representative Sumrall, Rodriguez, Medina, Power, Escobar and Sariñana

NAYS: Representatives Cook and Cobos

Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 11:50 a.m.

APPROVED AS TO CONTENT:


Richarda Duffy Momsen, City Clerk